

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CIVIL NO. 98-1664 (ADC)
)	CIVIL NO. 98-2344 (ADC)
vs.)	Consolidated Cases
)	
33.92536 ACRES OF LAND, MORE)	
OR LESS, SITUATED IN VEGA BAJA,)	
COMMONWEALTH OF PUERTO RICO,)	
AND JUAN PIZA BLONDET, AND)	
UNKNOWN OWNERS)	
)	
Defendants.)	

INFORMATIVE MOTION

Plaintiff United States of America (“Plaintiff” or the “United States”) respectfully submits this Informative Motion to inform the Court that the parties have reached an agreement as to the amount of just compensation, which thereby will allow the parties to avoid the time and expense of conducting a trial on August 18, 2008, while reserving the Defendant’s rights of appeal. The agreement reached by the parties is set forth below.

Because the effect of the Court’s prior rulings, including but not limited to the Court’s June 13, 2008 Memorandum and Order (Docket No. 167) adopting the Magistrate Judge’s Report and Recommendation (Docket No. 155), was to limit the valuation evidence that the Defendant could introduce at trial, the parties hereby enter into an agreement as to just compensation that preserves the Defendant’s right of appeal of the Court’s prior rulings. The parties have agreed that the final judgment the Court should enter in this case regarding the amount of just compensation is \$375,300.00, inclusive of all costs and interest. A series of deposits in the amount of \$375,300.00 having already been made by the United States into the

registry of the Court and withdrawn by the Defendant, no further monies will be deposited by the United States. The Defendant has reserved its right to appeal from this judgment and all prior rulings by the Court.

The parties contend that a final judgment entered in accordance with the terms of this agreement will constitute an appealable final judgment under 28 U.S.C. § 1291, because the parties have hereby agreed to the only issue that remained to be resolved at a trial of this matter, namely the amount of just compensation owed for the taking of the Defendant's property. See United States v. 15.32 Acres of Land, 53 Fed.Appx. 608 *1 n.1 (3rd Cir. 2002) (distinguishing Verzilli v. Flexon, 295 F.3d 421 (3rd Cir. 2002)); see also United States v. 14.02 Acres of Land, 530 F.3d 883, 894-95 (9th Cir. 2008).

The parties will prepare and file a pleading and a consent final judgment that reflects the terms of this agreement and reserves the Defendant's rights of appeal. In addition, the parties are prepared to discuss the terms of this agreement, and answer any questions from the Court, at the pretrial conference currently scheduled for August 14, 2008. Undersigned counsel for the United States is currently in Puerto Rico and is prepared to attend the August 14, 2008 pretrial conference in person.

Respectfully submitted this 13th day of August, 2008.

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of August, 2008, I filed the foregoing pleading electronically through the CM/ECF system, which caused the following parties or counsel to be served as follows, per the anticipated email from the Court, "Notice of Electronic Filing":

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/s/ Jeffrey M. Tapick
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